

REMARKS

The undersigned thanks Examiner Lu for the courtesies extended during the telephone interview of April 25, 2008. The Examiner is also sincerely thanked for preparing the Examiner's Amendment to get this application in condition for allowance.

Claim 1 has been amended to fix for the missing "the" before "coded probes" in line 2 of the claim wherein the term "coded probes" occurs for the second time in the claim. For clarity, Applicants have added a comma before "wherein" in the claims amended by the Examiner's Amendment.

Applicants agreed to amend limitation (a) in independent claims 1, 19, 31 and 32 *exactly* along the lines of amended claim 1, such that limitation (a) should recite "nano-barcodes that can generate different detectable signals" and recite a Markush group as "the nano-barcode is selected from the group consisting of carbon nanotubes, fullerenes, submicrometer metallic barcodes, nanoparticles, quantum dots, combinations thereof, and the nano-barcode made from nano-tag elements" wherein one of the species is "the nano-barcode made from nano-tag elements." The Examiner has amended claim 1 exactly as agreed upon with the Applicants. Inadvertently, identical amendments of independent claims 19, 31 and 32 have not been made in the Examiner's Amendment. This Amendment amends limitation (a) in claims 19, 31 and 32 such that this limitation is identical to limitation (a) in claim 1.

Note that the species "the nano-barcode made from nano-tag elements" could further include an amino acid or a nucleotide as disclosed in paragraph [0100], peptides and oligonucleotides as disclosed in paragraph [0102], polymer decorations, polymer scaffolds and nano-structures as disclosed in paragraph [0102], or anything else combinable with nano-tag elements as explained to the Examiner by the undersigned during the telephone interview of April 25, 2008.

Furthermore, the species in the Markush group are recited in plural. The reason for reciting the species in plural was explained to the Examiner during the telephone interview of April

25, 2008. In particular, the species recited in the Markush group could further include sub-species such as, but not limited to, those disclosed in Table 1 of the specification which discloses, for example, C60, C70 and C84 as sub-species of fullerenes. In short, all of the sub-species disclosed in Table 1 and elsewhere in the specification are within the scope of the species recited in the Markush group of independent claims 1, 19, 31 and 32.

In the event the U.S. Patent and Trademark Office determines that an extension is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 04-0100 referencing docket no. 21058/1206448-US1.

Dated: May 13, 2008

Respectfully submitted,

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